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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

OSCAR LEE SNOW,

Defendant and Appellant.

E067132

(Super.Ct.No. RIF1501761)

OPINION

APPEAL from the Superior Court of Riverside County. Thomas E. Kelly, Judge.  
(Retired judge of the Santa Cruz Super. Ct. assigned by the Chief Justice pursuant to  
art. VI, § 6 of the Cal. Const.) Affirmed.

Leonard J. Klaif, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Oscar Lee Snow appeals from his conviction after  
pleading guilty to grand theft and recording a fraudulent instrument, for which he  
received a sentence of two years eight months. We affirm.

## **FACTS AND PROCEDURE**

The previous owners of two parcels of vacant land signed a quitclaim deed to defendant just prior to filing for bankruptcy, in a possible effort to prevent foreclosure. The lender foreclosed anyway. Defendant sued the foreclosure trustee to claim the surplus proceeds above the loan amount. At about the same time, defendant entered into escrow to sell the property to the victim. On February 5, 2014, the victim deposited \$200,000 into an escrow account and instructed the escrow officer to release these funds to National Institute Legal Center (NILC), an entity operated by defendant. On February 7, 2014, a title report indicated neither defendant nor NILC owned the property. On that date, defendant was asked to return the \$200,000 to escrow, but he declined to do so. The victim contacted police on March 14, 2014.

On March 16, 2015, defendant filed a false and forged grant deed with the County of Riverside in an effort to sell the property to another victim and collect a \$300,000 advance through escrow.

On March 10, 2016, the People filed a second amended felony complaint charging defendant in counts 1 and 7 with grand theft (Penal Code § 487, subd. (a))<sup>1</sup>; in count 2 with money laundering (§186.10, subd. (a)); in count 3 with attempted grand theft (§§ 664, 487, subd. (a)); in counts 4 and 5 offering a false or fraudulent instrument for recording (§ 115); and count 6 with use of another's identification (§ 530.5). Regarding counts 1 and 7, the People alleged the amount stolen exceeded \$65,000. (§ 12022.6,

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<sup>1</sup> Subsequent section references are to the Penal Code except where otherwise indicated.

subd. (a)(1).) The People also alleged defendant committed two or more related felonies involving fraud or embezzlement that involved the taking of more than \$500,000, based on the value of the property, the title to which he damaged by filing a fraudulent deed (§ 186.11, subd. (a)(2)), and that defendant was presumptively not eligible for probation because the crime involved theft of more than \$100,000.

On April 5, 2016, the date set for the preliminary hearing, defendant pled guilty to counts 1 and 4, and admitted the allegation that the amount stolen exceeded \$500,000. As part of the plea, the agreed upon sentence was two years eight months, defendant was to pay \$353,330 in restitution to specified persons, and the section 186.11, subdivision (a)(2) allegation would be stricken.

On April 20, 2016, defendant filed a motion to withdraw his plea under section 1018. He argued he made a mistake by pleading guilty because the actual amount of the loss in count 1 was \$400,000. The court denied the motion on May 18.

On July 20, 2016, new defense counsel filed a motion to reconsider, arguing that prior counsel was ineffective in that he urged defendant to take the plea because he was not prepared for the preliminary hearing, and because he failed to investigate whether the section 186.11 sentencing enhancement actually applied under the facts of the case.

The matter was continued several times until October 12, 2016. On that date, defendant filed a written objection alleging the court should disqualify itself for having read the People's preliminary hearing brief before accepting the plea, in violation of section 1204.5. Defendant also filed a motion to continue the sentencing hearing to give counsel time to investigate and prepare a motion to withdraw the guilty plea. In the

motion, defendant alleged his counsel had recently finished a seven-week trial and that his prior attorney had agreed to provide a declaration but had been out of the country until the previous day. The court denied defendant's motion to reconsider, his motion for recusal, and the request for a continuance. Later that same day, the court sentenced defendant to two years on count 1, and eight months consecutive on count 4. The court imposed but struck a three-year term for the section 186.11 enhancement.

This appeal followed. The court granted a certificate of probable cause.

### **DISCUSSION**

After defendant appealed, and upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436, and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case, a summary of the facts and potential arguable issues, and requesting this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, and he has not done so. We have examined the entire record and are satisfied that no arguable issues exist, and that defendant has, by virtue of counsel's compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment entered against him in this case. (*People v. Kelly* (2006) 40 Cal.4th 106.)

**DISPOSITION**

The judgment is affirmed.

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RAMIREZ  
P. J.

We concur:

CODRINGTON  
J.

SLOUGH  
J.